

## REMARKS/ARGUMENTS

Claim 1 has been amended. Applicant respectfully requests entry of these amendments since the amendments place the claims in condition for allowance and/or in better form for appeal.

1. In the above referenced Office Action:
  - a. Claims 1-20 have been rejected under 35 USC § 112, first paragraph, as failing to comply with the written description requirement;
  - b. Claims 1-20 have been rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

The rejections have been traversed or accommodated, as described below, and as such, Applicant respectfully requests reconsideration of the allowability of Claims 1-20.

2. Claims 1-20 have been rejected under 35 USC § 112, first paragraph, as failing to comply with the written description requirement. In particular, the Examiner found that the recitation of “a route indicator field ... that indicates *a link type*” in Claim 1 was not supported by the specification. In addition, the Examiner found that the recitation of “... in response to a change of state ... in the route indicator field to *indicate a link failure*” in Claim 1 was not supported by the specification.

In response, Applicant has amended Claim 1 to recite: “a route indicator field ... that indicates **a route.**” In addition, Applicant has amended Claim 1 to recite: “...in response to a change in state ... in the route indicator field to indicate **an alternate route should be used as a result of** a link failure.” During the Examiner Interview, an agreement was reached that these two amendments overcame the 35 U.S.C. 112, first paragraph, rejection of Claim 1. Therefore, Applicant respectfully requests withdrawal of the 35 U.S.C. 112, first paragraph, rejection of Claim 1.

Claims 2-20 are dependent upon Claim 1 and introduce additional patentable subject matter. Applicant believes that the reasons that distinguish Claim 1 over the present rejection are applicable in distinguishing Claims 2-20 over the same rejection.

3. Claims 1-20 have been rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. In particular, the Examiner found that the recitation of “responsive to the packet being received after a time of failure ... accessing an internal bypass table *to determine* a second route ... wherein the second route ... is *identified* prior to the time of failure” in Claim 1 was unclear.

In response, Applicant has amended Claim 1 to recite: “responsive to the packet being received after a time of failure ... accessing an internal bypass table **to retrieve** a second route ... wherein the second route ... is **stored** prior to the time of failure.” During the Examiner Interview, an agreement was reached that these amendments overcame the 35 U.S.C. 112, second paragraph, rejection of Claim 1. Therefore, Applicant respectfully requests withdrawal of the 35 U.S.C. 112, second paragraph, rejection of Claim 1.

Claims 2-20 are dependent upon Claim 1 and introduce additional patentable subject matter. Applicant believes that the reasons that distinguish Claim 1 over the present rejection are applicable in distinguishing Claims 2-20 over the same rejection.

## **CONCLUSION**

For the foregoing reasons, Applicant believes that Claims 1-20 are in condition for allowance and respectfully request that they be passed to allowance.

No additional fees are believed to be due. In the event that additional fees are due or a credit for an overpayment is due, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Garlick Harrison & Markison Deposit Account No. 50-2126.

The Examiner is invited to contact the undersigned by telephone or email if the Examiner believes that such a communication would advance the prosecution of the present invention.

### **RESPECTFULLY SUBMITTED,**

By: /Holly L. Rudnick/ Reg. No. 43,065

Holly L. Rudnick

Garlick Harrison & Markison

P. O. Box 160727

Austin, TX 78716-0727

Phone: (214) 856-5372

email: hrudnick@texaspatents.com